

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

IN THE MATTER OF THE FILING FOR)	ORDER GRANTING
APPROVAL OF TRANSFER OF CERTIFICATE)	TRANSFER OF
OF AUTHORITY FROM SBC LONG DISTANCE,)	CERTIFICATE OF
INC. TO SBC LONG DISTANCE, LLC D/B/A)	AUTHORITY
SBC LONG DISTANCE)	TC04-263

On December 7, 2004, the Public Utilities Commission (Commission) received an application for the transfer of a certificate of authority from SBC Long Distance, Inc. to SBC Long Distance, LLC d/b/a SBC Long Distance.

SBC Long Distance, LLC d/b/a SBC Long Distance proposes to offer interexchange and local exchange telecommunications services in South Dakota.

On December 23, 2004, the Commission electronically transmitted notice of the filing and the intervention deadline of January 7, 2005, to interested individuals and entities. No petitions to intervene or comments were filed and at its regularly scheduled March 8, 2005, meeting, the Commission considered the request for transfer of certificate of authority. Commission Staff recommended transferring the certificate of authority, subject to a continuous \$25,000 surety bond, and subject to rural safeguards.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapter 49-31, specifically 49-31-3, 49-31-18, 49-31-19, 49-31-69, 49-31-71 and ARSD 20:10:24:04.01, 20:10:24:04.02, 20:10:27:07, 20:10:27:11, 20:10:27:12, and 20:10:32:03. The Commission finds that SBC Long Distance, LLC d/b/a SBC Long Distance has met the legal requirements established for the granting of a certificate of authority. SBC Long Distance, LLC d/b/a SBC Long Distance has, in accordance with SDCL 49-31-3 and 49-31-71, demonstrated sufficient technical, financial and managerial capabilities to offer telecommunications services in South Dakota.

The Commission approves the application for transfer of certificate of authority from SBC Long Distance, Inc. to SBC Long Distance, LLC d/b/a SBC Long Distance, subject to a continuous \$25,000 surety bond, and subject to rural safeguards. The certificate of authority for SBC Long Distance, LLC d/b/a SBC Long Distance shall authorize it to offer local exchange services in South Dakota, except in those areas served by a rural telephone company. In the future, should SBC Long Distance, LLC d/b/a SBC Long Distance choose to provide local exchange services statewide, with respect to rural telephone companies, SBC Long Distance, LLC d/b/a SBC Long Distance will have to come before the Commission in another proceeding before being able to provide local service in that rural service area pursuant to 47 U.S.C. § 253(f) which allows the Commission to require a company that seeks to provide service in a rural service area to meet the requirements in 47 U.S.C. § 214(e)(1) for designation as an eligible telecommunications carrier. In addition, the granting of statewide certification will not affect the exemptions, suspensions, and modifications for rural telephone companies found in 47 U.S.C. § 251(f). It is therefore

ORDERED, that the application for transfer of certificate of authority from SBC Long Distance, Inc. to SBC Long Distance, LLC d/b/a SBC Long Distance is hereby granted, subject to a continuous \$25,000 surety bond; and it is

FURTHER ORDERED, that SBC Long Distance, LLC d/b/a SBC Long Distance shall file informational copies of tariff changes with the Commission as the changes occur; and it is

FURTHER ORDERED, that the Commission shall authorize SBC Long Distance, LLC d/b/a SBC Long Distance to offer its local exchange services in South Dakota, except in those areas served by a rural telephone company.

Dated at Pierre, South Dakota, this 17th day of March, 2005.

CERTIFICATE OF SERVICE	
The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.	
By:	<u>Alaine Kalbo</u>
Date:	<u>3/21/05</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

Gary Hanson
GARY HANSON, Chairman

Robert K. Sahr
ROBERT K. SAHR, Commissioner

Dustin M. Johnson
DUSTIN M. JOHNSON, Commissioner
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